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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,053	01/21/2004	Scott D. Pearson	53912US011	4467
32692	7590	09/16/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/762,053	Applicant(s) PEARSON ET AL.	
	Examiner Daniel Zirker	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/21/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, in each of these claims the phrase, "comprises a monolayer substrate" is vague and indefinite since it appears to imply that additional layers could also be present.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,4,7-16,23,24,30,31,34-44,51,52,54, and 59 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hufnagel et al. The reference discloses (note particularly the Abstract, Col 1, lines 29-38, Col 2, line 33-Col 3, line 13, line 59-Col 4, line 23, lines 58-61, claims 1,3 and 5) a simultaneously biaxially oriented genus of isotactic polypropylene films that can be

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coated with a suitable adhesive, which except for the particular range of melt flow rates and parameters such as the particular tensile elongation to break range requirement, each of which is believed to be either inherent in the formed genus of articles or an obvious optimization of whatever adhesive tape properties are desired, is essentially all independent claim 3 and the even broader claim 30 (directed only to such a backing and also not requiring to conform to the parameters of "The Dispense Test – Plastic Blade test) require. Additionally, such parameters found in the dependent claims as the molecular weight of the polypropylene backing, the specific polypropylene composition of the backing, biaxially oriented stretch ratios and the like are each also believed to be, if not expressly or inherently present, an obvious modification to one of ordinary skill, in the absence of unexpected results.

6. Claims 1,2,5,6,17-22,25-29,32,33,45-50,53, and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hufnagel et al. The reference is again relied upon substantially as set forth, above, and with respect to the remaining claims such as independent claim 1 and dependent claims 2, 28,29, 57 and 58, each of which require the presence of a dispenser, this element is so well known in the art as to not require the presence of a citation. Other parameters, such as the presence of multi-layer backings, sequential biaxial orientation of the backing (a product by process limitation), mixtures of blends of polypropylene for the backing composition, the presence of rolls of adhesive tape and the like are each also believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results

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7. Claims 1-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wong et al, Robinson et al or Nanbu, each taken in view of Hufnagel et al. The primary references each disclose (note particularly Wong et al, the Abstract, Col 2 line 18 – Col 3 line 7, Col 4, lines 20-33, the Table disclosing Examples 1-8; Robinson et al, Fig 1, Col 1 lines 10-44, line 68- Col 2 line 5, lines 13-18, Examples 1-9, claim 1; Nanbu, the Abstract, Col 1, lines 7-10, lines 60-64, Col 2 line 58 – Col 3 line 18, Table I) closely related genres (except for a teaching of the various ranges of the claimed performance parameters) of the claimed biaxially oriented genus of polypropylene tapes, the references each lacking a teaching that the polypropylene backings are formed from isotactic polypropylene, although it is also noted that Nanbu teaches that isotactic polypropylene of a different melt index, i.e., melt flow rate, than claimed by applicants (Col 1, lines 60-64) can be used in at least one layer of its multilayer polypropylene backings. The secondary reference, Hufnagel et al, however, is here relied upon to supply the missing element of the desirability of using isotactic polypropylene having applicants desired range of melt flow rate values in place of the polypropylene backings of the claimed primary references. Accordingly, one of ordinary skill, motivated by the desire to use a polypropylene backing that exhibits improved clarity, lower haze and desired tape severability would incorporate isotactic polypropylene of the claimed range of melt flow rates which is known can exhibit these desirable properties when in film form in place of the backings of each of the primary references, and thereby form, or render obvious, the claimed genus of adhesive tapes, either individually or in a dispenser, or simply standing alone as a backing. Other

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parameters that are not either expressly or inherently taught in each of the relied upon reference combinations are each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker
Primary Examiner
Art Unit 1771

A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style.